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DOC #: _____
DATE FILED: 12/9/2019

FOR THE
 OF NEW YORK

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 DEC 4 2019
PRO SE OFFICE

D George Sweigert, Plaintiff

v.

Jason Goodman, Defendant

CIVIL CASE #: 1:18-CV-08653-VEC

JUDGE VALERIE E. CAPRONI

MAGISTRATE STEWART D. AARON

PLAINTIFF'S LETTER MOTION FOR AN EXTENSION OF DEADLINE TO
RESPOND TO DEFENDANT'S "COUNTER CLAIM VERIFIED COMPLAINT"

MAY IT PLEASE THE COURT:

Defendant has stated his intention to file a document known as:

COUNTER CLAIM VERIFIED COMPLAINT

D.S.
 12/1/19

The undersigned Plaintiff is a licensed Emergency Medical Technician and will be actively engaged in a bi-annual re-certification process during the next two weeks. Further, the Plaintiff has made travel plans based on religious observances in the coming weeks.

THEREFORE, Plaintiff seeks **AFFIRMATIVE RELIEF** in the form of a 21 (twenty-one) day extension of the tolling time period to respond to the Defendant's (undocketed) pleading.

I hereby certify that the attached pleadings are truthful and accurate (to the best of my knowledge) and are not submitted for the purposes of oppression of the Defendant.

Signed this 1 day of December, 2019.



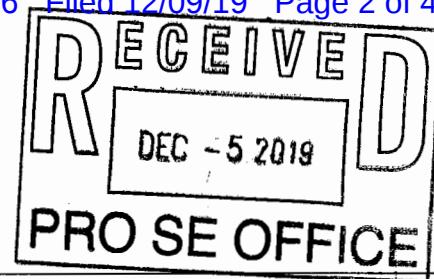
D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org

12.1.19

ENDORSEMENT: Plaintiff shall respond to the "Counterclaim Verified Complaint" and Defendant's Motion to Dismiss by 12/31/2019. Defendant shall file any reply in connection with his Motion to Dismiss by 1/17/2020. The Clerk of Court is directed to mail a copy of this Order to the *pro se* parties. SO ORDERED. Dated: 12/9/2019

Att cl an

**U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)**



D George Sweigert, Plaintiff

v.

Jason Goodman, Defendant

CIVIL CASE #: 1:18-CV-08653-VEC

JUDGE VALERIE E. CAPRONI

MAGISTRATE STEWART D. AARON

**PLAINTIFF'S LETTER MOTION FOR AN EXTENSION OF DEADLINE
TO FILE AMENDED MOTION IN OPPOSITION**

MAY IT PLEASE THE COURT:

Plaintiff has filed the following document:

11/27/2019	<u>114</u>	NOTICE OF MOTION(Response)IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PURS. TO RULE 12(b)(6) (ECF DOC. NOS. 105 & 106), re: <u>106</u> MOTION to Dismiss. Document filed by D George Sweigert. (sc) (Entered: 11/29/2019)
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The above document was sent via U.S. Priority Mail **PRIOR** to the issuance of the following

ORDER:

11/23/2019	<u>111</u>	ORDER: Plaintiff shall respond to Defendant's Motion to Dismiss (ECF No. 106) no later than 12/31/2019. Defendant shall file any reply by 1/17/2020. The Court shall not consider matters outside the pleadings and thus the Court declines to treat the motion as one for summary judgment. See Fed. R. Civ. P. 12(d). The Clerk of Court is directed to mail a copy of this Order to the pro se parties. In addition, a copy of this Order will be emailed to the parties by Chambers. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 11/23/2019) Copies Sent By Chambers. (Aaron, Stewart) Transmission to Docket Assistant Clerk for processing. (Entered: 11/23/2019)
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The undersigned Plaintiff wishes to **AMEND his MOTION IN OPPOSITION** pursuant to Fed. Rules. Civ. Proc. (F.R.C.P.) **Rule 15(a)(1)(A)** to carve out issues related to the possible **Rule 56** hearing for Summary Judgment (as explained in ECF Doc. No. 111). Prior to the ORDER (ECF Doc. no. 111) Plaintiff was unsure if he needed to respond to those Rule 56 issues raised by the Defendant that fell outside the four-corners of the Second Amended Complaint ([SAC], ECF Doc. No. 88).

Rule 15(a)(1)(A) would provide the Plaintiff 21 (twenty-one) days to amend the pleading (ECF. Doc. No. 114) served on 11/27/2019. However, the Plaintiff seeks **LEAVE OF THE COURT** to extend this filing deadline to the original **12/31/2019** as expressed in the ORDER (ECF. Doc. No. 111).

Supporting rationale and good cause: the undersigned Plaintiff is a licensed Emergency Medical Technician and will be actively engaged in a bi-annual re-certification process during the next two weeks and the Plaintiff has made travel plans based on religious observances in the coming weeks.

THEREFORE, Plaintiff seeks **AFFIRMATIVE RELIEF** in the form of an extension of the tolling time period to respond to the Defendant's MOTION TO DISMISS (ECF Doc. No. 105 & 106) until **12/31/2019** via a **Rule 15(a)(1)(A) amendment.**

I hereby certify that the attached pleadings are truthful and accurate (to the best of my knowledge) and are not submitted for the purposes of oppression of the Defendant. Signed this 1 day of December, 2019.


**D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org**

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PRESS FIRMLY TO SEAL

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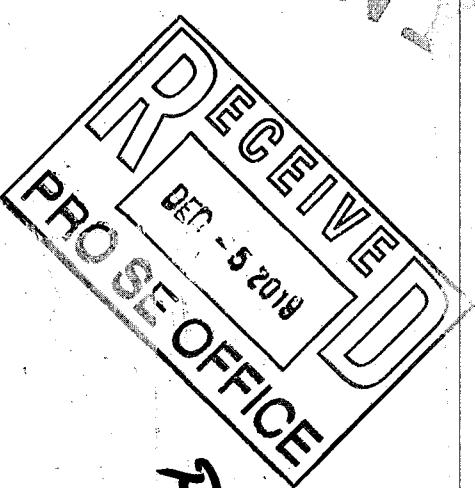


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TO:

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New York, New York 10007-1312

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EXPECTED DELIVERY DAY: 12/05/19



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